

DONALD SPECTER – 083925  
RITA K. LOMIO – 254501  
MARGOT MENDELSON – 268583  
JACOB J. HUTT – 804428 (MJP)  
PRISON LAW OFFICE  
1917 Fifth Street  
Berkeley, California 94710-1916  
Telephone: (510) 280-2621  
Facsimile: (510) 280-2704

MICHAEL W. BIEN – 096891  
GAY C. GRUNFELD – 121944  
THOMAS NOLAN – 169692  
PENNY GODBOLD – 226925  
CAROLINE JACKSON – 329980  
ROSEN BIEN  
GALVAN & GRUNFELD LLP  
101 Mission Street, Sixth Floor  
San Francisco, California 94105-1738  
Telephone: (415) 433-6830  
Facsimile: (415) 433-7104

LINDA D. KILB – 136101  
DISABILITY RIGHTS EDUCATION &  
DEFENSE FUND, INC.  
3075 Adeline Street, Suite 201  
Berkeley, California 94703  
Telephone: (510) 644-2555  
Facsimile: (510) 841-8645

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,  
Plaintiffs,  
v.  
GAVIN NEWSOM, et al.,  
Defendants.

Case No. C94 2307 CW

**DECLARATION OF MACKENZIE L.  
HALTER**

Judge: Hon. Claudia Wilken

1 I, Mackenzie L. Halter, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am an  
3 attorney with the Prison Law Office. I have personal knowledge of the facts set forth  
4 herein, and if called as a witness, I could competently so testify.

5 Audiologist Referrals

6 2. On August 23, 2024, I reviewed CCHCS policies to determine whether there  
7 are specific policies regarding referrals to audiologists related to accommodations for  
8 effective communication of announcements.

9 3. First, I reviewed the CCHCS Health Care Department Operations Manual  
10 (“HCDOM”) Table of Contents, available at [https://cchcs.ca.gov/wp-](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-Contents.pdf)  
11 [content/uploads/sites/60/HC/HCDOM-Contents.pdf](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-Contents.pdf). None of the policies listed on the  
12 HCDOM Table of Contents are obviously related to audiology referrals.

13 4. I reviewed the following specific policies that, based on their titles, appeared  
14 potentially related:

15 a. HCDOM 1.2.19 Headquarters Durable Medical Equipment and  
16 Medical Supply Committee and Interdisciplinary Team, available at  
17 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HCDOM-ch01-art2.19.pdf>.

18 b. HCDOM 2.1.2 Effective Communication Documentation, available at  
19 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch02-art1.2.pdf>.

20 c. HCDOM 3.6.1 Durable Medical Equipment and Medical Supply,  
21 available at [https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.1.pdf)  
22 [art6.1.pdf](https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.1.pdf).

23 d. HCDOM 3.6.2 Comprehensive Accommodation, available at  
24 <https://cchcs.ca.gov/wp-content/uploads/sites/60/HC/HCDOM-ch03-art6.2.pdf>.

25 5. None of these policies include information regarding referrals to audiologists  
26 related to accommodations for effective communication of announcements. HCDOM  
27 section 2.1.2(e)(2) references health care staff’s responsibility to determine whether  
28 patients need any assistance devices, including hearing aids, to engage in effective

1 communication in the exchange of health care information, but the policy does not include  
2 information regarding referrals to audiologists or apply to announcements.

3 6. Second, I reviewed the CCHCS Durable Medical Equipment and Medical  
4 Supply Formulary (“DME Formulary”), available at [https://cchcs.ca.gov/wp-](https://cchcs.ca.gov/wp-content/uploads/sites/60/CR/DME-Medical-Supply-Formulary.pdf)  
5 [content/uploads/sites/60/CR/DME-Medical-Supply-Formulary.pdf](https://cchcs.ca.gov/wp-content/uploads/sites/60/CR/DME-Medical-Supply-Formulary.pdf). Page 16 of the DME  
6 Formulary lists only “Hearing Aid” and “Hearing Impaired Disability Vest” as “Hearing  
7 Assistive Devices” and does not include information related to audiologist referrals.

8 7. Third, I reviewed the list of CCHCS’s Clinical Resources for specific  
9 medical conditions, also known as Care Guides, available at [https://cchcs.ca.gov/clinical-](https://cchcs.ca.gov/clinical-resources/)  
10 [resources/](https://cchcs.ca.gov/clinical-resources/). There was no Care Guide for hearing loss or a related condition.

#### 11 Communications and Technology RFP

12 8. On August 8, 2024, I navigated to the Cal eProcure website for “RFP  
13 C5611826 CDCR Communications and Technology Solution (IC+)” at  
14 <https://caleprocure.ca.gov/event/5225/0000032092>. I clicked “View Event Package” and,  
15 on the next page, clicked the “Download” icon for the attached file, titled  
16 “RFP\_C5611826\_Solicitation\_Pkg\_07.15.2024.zip” (“Solicitation Package”). The  
17 Solicitation Package contains six files:

- 18 1. RFP C5611826 IC+ 07.15.2024 (“RFP Bidder Instructions”)
- 19 2. RFP C5611826 IC+ Appendix A SOW 07.15.2024 (“Statement of Work”)
- 20 3. RFP C5611826 IC+ Exhibit 20 Bus Reqs 07.15.2024 (“Business Requirements”)
- 21 4. RFP C5611826 IC+ Exhibit 21 Tech Reqs 07.15.2024 (“Technical Requirements”)
- 22 5. RFP C5611826 IC+ Exhibit 22 Dlvrl Table 07.15.2024
- 23 6. RFP C5611826 IC+ Exhibit 24 Cost Workbook.

24 9. I reviewed the RFP Bidder Instructions document, which explains that, “The  
25 business and technical requirements identified in Exhibit 20: Business Requirements and  
26 Exhibit 21: Technical Requirements, consist of Mandatory (M), Mandatory Scorable (MS),  
27 and Desirable Scorable (DS) requirements.” (RFP Bidder Instructions at 61.)

28 10. Mandatory (M) requirements are pass or fail, meaning bidders must respond  
“Yes” requirement identified in the Business Requirements and Technical Requirements.

1 The bidder is disqualified if they provide any “No” answers to M requirements. (*Id.*)

2 11. Mandatory Scorable (MS) requirements must also receive a “Yes.” Bidders  
3 also must provide a description of how they will meet the MS requirement, and the bid is  
4 awarded points based on whether the response fully addresses the requirements. (*Id.* at 62.)

5 12. Desirable Scorable (DS) requirements are **not mandatory**. If a bidder  
6 responds “Yes” to a DS requirement and provides a description of how they will meet the  
7 requirement, the bid receives points based on whether the response fully addresses the  
8 requirement. (*Id.*)

9 13. The Business Requirements and Technical Requirements documents are  
10 spreadsheets with multiple tabs. I reviewed every tab in the Business Requirements  
11 document. I reviewed the tabs titled “Tablet,” “Infrastructure,” “Network,” and “Reports” in  
12 the Technical Requirements document. I also reviewed the Statement of Work, which is a  
13 Word document.

14 14. I reviewed these documents to determine: (i) whether the tablets would  
15 provide visual and tactile alerts; (ii) whether individual notifications could be sent via the  
16 tablets; (iii) whether the RFP required that tablets could be used outside of housing units;  
17 (iv) whether notifications would appear on the lock screen or appear when other  
18 applications are in use; and (v) the timeline for tablet repair and replacement.

19 15. In the charts below, the “Document Title, tab/line” column describes where  
20 in the documents the requirement is found. The “Req #” column lists the unique ID  
21 number associated with each Requirement. The Requirement Description column includes  
22 the description of the actual Requirement, quoted from the spreadsheets. The Type column  
23 lists whether the requirement is Mandatory (M), Mandatory Scorable (MS), or Desirable  
24 Scorable (DS).

25 16. The ability to provide visual and tactile alerts is not mandatory. The Business  
26 Requirements and Technical Requirements include the following about visual and tactile  
27 alerts:

28 ///

Document Title, tab/line	Req #	Requirement Description	Type
Exhibit 20 Bus Reqs, ADA/40	ADA-133	The IC+ solution shall provide a hardware device which is capable of using visual cues or notifications such as flashing lights for incoming notifications or alarms.	DS+9
Exhibit 20 Bus Reqs, ADA/41	ADA-134	The IC+ solution shall provide a hardware device which is capable of providing tactile feedback to the user through device vibrations for notifications.	DS+9

17. The ability to send individual notifications is not mandatory. The Business Requirements and Technical Requirements include the following about individual notifications:

Document Title, tab/line	Req #	Requirement Description	Type
Exhibit 20 Bus Reqs, IP Services/13	AOS-201	Contractor shall provide the capability to send electronic notifications and reminders to an individual or a group of incarcerated people. This includes the capability to include important announcements to incarcerated people as pop-up when they log on to the Tablet/Kiosk. CDCR decides which apps and services will display the pop-up notifications.	DS+6

18. Tablets are required to be functional in housing units, but they are not explicitly required to work on the yard:

Document Title, tab/line	Req #	Requirement Description	Type
Exhibit 21 Tech Reqs, Network/10	NET-106	Contractor shall provide wireless coverage to enable IC+ services to be provided in common areas of all housing units and incarcerated people dorms at a minimum. The wireless network will be available 99.5% of the time for incarcerated people use. Contractors wireless network shall not interfere with the CDCR Network(s). In cases of overlapping channels and/or co-channel interference the contractors network shall reduce transmit power.	M
Exhibit 21	NET-	Contractor shall provide the capability for the	MS+5

1 2 3 4 5 6 7 8	Tech Reqs, Network/21	117	incarcerated people to access content and services either through downloads or streaming. The incarcerated people must be able to have access to the IC+ content/services and be able to use it at various locations in the institution. The focus is to have the incarcerated people be able to access the Wireless Network and use the Tablets in the housing units, dayrooms, dorms, libraries, visiting areas, and classrooms.  The Contractor must provide wireless network coverage to ensure reliable connectivity to the Tablets and full functionality.	
--------------------------------------	--------------------------	-----	--	--

19. It is unclear whether notifications will appear on the lock screen when a tablet is not in use. The Business Requirements and Technical Requirements include the following about that subject:

Document Title, tab/line	Req #	Requirement Description	Type
Exhibit 21 Tech Reqs, Tablet/19	TAB-116	[I]ncarcerated people facing devices must be able to display pop-up style notifications for incoming communications. CDCR decides which apps and services will display these notifications.	DS+8
Exhibit 20 Bus Reqs, CDCR Staff Tools & Services/14	MTS-109	The IC+ Solution shall provide functionality to send push notifications to a hardware device in order to support public service announcements from CDCR staff.	M

20. Tablets are not required to be replaced or repaired immediately: with regard to repair and replacement, the Statement of Work provides, “All devices deemed beyond repair and requiring replacement shall be reissued within 240 hours (10 days) of the reported issue” and, “[a]ll devices deemed repairable shall be fixed and returned within 120 hours (five (5) days) of the reported issue.” (Statement of Work at 61.)

///

///

///

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct. This declaration is executed at Berkeley, California,  
3 this 26 day of August, 2024.

4  
5 

6 \_\_\_\_\_  
7 Mackenzie L. Halter  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28